

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 GLORIA A. BARRIOS
Supervising Deputy Attorney General
3 LINDA L. SUN, State Bar No. 207108
Deputy Attorney General
4 California Department of Justice
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-6375
6 Facsimile: (213) 897-2804

7 Attorneys for Complainant

8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2009-223

12 **SHANNON MARIE STAFFORD**
13 **aka SHANNON MARIE BARR**
2254 Gaviota St., Unit 11
14 Signal Hill, California 90755

A C C U S A T I O N

15 Registered Nurse License No. 662492

16 Respondent.

17
18 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Accusation solely in her official capacity as the
21 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer
22 Affairs.

23 2. On or about August 2, 2005, the Board issued Registered Nurse License
24 Number 662492 to Shannon Marie Stafford, also known as Shannon Marie Barr ("Respondent").
25 The license will expire on July 31, 2009, unless renewed.

26 ///

27 ///

STATUTORY PROVISIONS

3. Business and Professions Code section ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

5. Code section 2811, subdivision (b), provides, in pertinent part, that the Board may renew an expired license at any time within eight years after the expiration.

6. Code section 2761 states, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

....

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof."

7. Code section 2762, states in pertinent part:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter it is unprofessional conduct for a person licensed under this chapter to do any of the following:

///

1 (a) Obtain or possess in violation of law, or prescribe, or except as directed by a
2 licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish
3 or administer to another, any controlled substance as defined in Division 10 (commencing with
4 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
5 defined in Section 4022.”

6 **COST RECOVERY**

7 8. Code section 125.3 provides, in pertinent part, that the Board may request
8 the administrative law judge to direct a licensee found to have committed a violation or
9 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
10 and enforcement of the case.

11 **FIRST CAUSE FOR DISCIPLINE**

12 **(Out-of-State Discipline)**

13 9. Respondent is subject to discipline under Code section 2761, subdivision
14 (a)(4), in that effective February 14, 2008, before the Oregon State Board of Nursing, in the case
15 entitled, *In the Matter of Shannon Marie Stafford, RN, License No. 200541257RN*, pursuant to
16 the Stipulation for Voluntary Surrender of Licensure as Registered Nurse, Case No. 07-340,
17 attached hereto as **Exhibit A**, Respondent voluntarily surrendered her Oregon Registered Nurse
18 License Number RN200541257RN which was issued on June 27, 2005 for a minimum of three
19 (3) years based on the following stipulated facts:

20 a. On or about June 28, 2007, in the Circuit Court of the State of Oregon for
21 Multnomah County, Case No. 031035640, Respondent pled guilty to, and was convicted of, two
22 (2) counts of unlawfully obtaining public assistance; two (2) counts of unlawful use of food
23 stamps; one (1) count of laundering a monetary instrument; two (2) counts of attempt to commit
24 a class B felony (child neglect in the first degree); and one (1) count of attempt to commit a class
25 B felony (aggravated theft in the first degree).

26 b. On or about July 2, 2007, Respondent was sentenced to fifty-seven (57)
27 days in jail, five (5) years of supervised probation, and ordered to make restitution in excess of
28 fourteen thousand dollars (\$14,000.)

1 c. The circumstances surrounding the conviction are that on or about
2 October 30, 2003, pursuant to a search warrant, the Portland, Oregon police officers arrested
3 Respondent and her husband on drug-related charges and seized three (3) kilograms of cocaine,
4 six (6) ounces of crack cocaine, four (4) handguns, along with more than fifty-nine thousand
5 dollars (\$59,000) in cash. Respondent's four minor children, ages 16, 12, 10 and 2, were present
6 at the scene.

7 **SECOND CAUSE FOR DISCIPLINE**

8 **(Conviction of Crimes)**

9 10. Respondent is subject to discipline pursuant to Code section 2761,
10 subdivision (f), in that she was convicted of crimes that are substantially related to the
11 qualifications, functions or duties of a registered nurse. Complainant refers to and incorporates
12 all the allegations contained in paragraph 9, as though set forth fully.

13 **THIRD CAUSE FOR DISCIPLINE**

14 **(Obtained/Possessed Controlled Substances)**

15 11. Respondent is subject to discipline pursuant to Code section 2762,
16 subdivision (a), in that she illegally obtained and possessed cocaine, a controlled substance at the
17 time of her arrest on October 30, 2003 in Oregon. Complainant refers to and incorporates all the
18 allegations contained in paragraph 9, as though set forth fully.

19 **PRAYER**

20 **WHEREFORE**, Complainant requests that a hearing be held on the matters
21 herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 22 1. Revoking or suspending Registered Nurse License Number 662492,
23 issued to Shannon Marie Stafford, also known as Shannon Marie Barr;
- 24 2. Ordering Shannon Marie Stafford, also known as Shannon Marie Barr to
25 pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of
26 this case, pursuant to Code section 125.3; and,

27 ///

28 ///

1 ///

2 3. Taking such other and further action as deemed necessary and proper.

3 DATED: 3/23/09

4

5

6

7

8

9

10 SA2007103290
11 Accusation (kdg) 2/5/09

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28



RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

EXHIBIT A

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of

Shannon Marie Stafford, RN

License No. 200541257RN

)
)
)
)
)
)
FINAL ORDER

Case No. 07-340

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including registered nurses, in the State of Oregon.

The Board licensed Shannon Marie Stafford (Licensee) as a registered nurse on June 27, 2005. Licensure was by examination. That license expired on June 17, 2007 without her application for renewal. The Board retains jurisdiction to proceed with investigations and disciplinary proceedings against a licensee whose license has lapsed. ORS 678.158.

On September 27, 2007, the Board served on Licensee a Notice of Proposed Revocation of Licensure as Registered Nurse (Notice). The basis for the Notice is described in a Stipulation for Voluntary Surrender of Licensure as Registered Nurse incorporated by reference herein. Licensee made timely request under ORS 183.310 to 183.550 for an administrative hearing on the matter of the Notice.

Prior to the hearing, Licensee withdrew her request for hearing and indicated her desire to surrender her licensure as a registered nurse in Oregon.

The Board considered this matter on February 13, 2008. Licensee did not appear personally. The issue for the Board was whether to approve the Stipulation for Voluntary Surrender of Licensure as Registered Nurse signed by Licensee on February 13, 2008, and so dispense with this matter pursuant to ORS 183.415(5).

Upon review of the Stipulation for Voluntary Surrender and the agency file in this matter, the Board finds that reasonable factual and legal grounds exist to support approval of the Stipulation. It is hereby

ORDERED that the Notice of Proposed Revocation of Licensure as Registered Nurse dated September 27, 2007 ~~is withdrawn~~; it is

ORDERED that the Stipulation for Voluntary Surrender of Licensure as Registered Nurse signed by Licensee on February 13, 2008 be approved and by this reference incorporated herein; and it is further

ORDERED that the Board accept the voluntary surrender of Shannon Marie Stafford's registered nursing license, and that the Stipulation for Voluntary Surrender be adopted.

DATED this 14th day of February 2008.


James E. McDonald, RN, FNP
Board President

**BEFORE THE BOARD OF NURSING
OF THE STATE OF OREGON**

In the Matter of)	STIPULATION FOR VOLUNTARY
)	SURRENDER OF LICENSURE
Shannon Marie Stafford, RN)	AS REGISTERED NURSE
)	
License No. 200541257RN)	Case No. 07-340

The Oregon State Board of Nursing (Board) is the state agency responsible for the licensure and regulation of registered nurses in Oregon.

The Board licensed Shannon Marie Stafford (Licensee) as a registered nurse in Oregon on June 27, 2005. Licensure was by examination. That license expired on June 17, 2007 without her timely application for renewal.

Under ORS 678.158, the Board retains jurisdiction to proceed with investigations and disciplinary proceedings against a licensee whose license has lapsed.

On June 23, 2006, in the circuit court for Multnomah County, Ore., Licensee was arraigned on, and entered pleas of not guilty to, three counts of child neglect in the first degree [ORS 163.547], one count of possession of a schedule II controlled substance [ORS 475.992(4)(b)], one count of the manufacture or delivery of a Schedule II controlled substance [ORS 475.992(2)(b)], one count of being a felon in possession of a firearm [ORS 166.270], five counts of aggravated theft in the first degree [ORS 164.057], five counts of unlawfully obtaining public assistance [ORS 411.630], five counts of unlawful use of food stamps [ORS 411.840] and one count of laundering a monetary instrument [ORS 164.170].

On June 28, 2007, Licensee entered pleas of guilty to, and was convicted of, two counts of unlawfully obtaining public assistance; two counts of unlawful use of food stamps; one count of laundering a monetary instrument; two counts of attempt to commit a class B felony [ORS 161.405(2)(c)], to wit, child neglect in the first degree; and one count of attempt to commit a class B felony, to wit, aggravated theft in the first degree.

On July 2, 2007, the court sentenced Licensee to 57 days in jail, five years of supervised probation, and ordered that she make restitution in excess of \$14,000 to the Housing Authority of Portland and the Department of Human Services.

The criminal convictions described above stem from an October 30, 2003 incident in which officers of the Portland, Ore. police executed a search warrant on Licensee's home. The police arrested Licensee and her husband on drug-related charges. The list of property seized pursuant to the search warrant included three kilograms of cocaine, approximately six ounces of "crack" cocaine, four handguns and more than \$59,000 in cash.

In the home when police executed the search warrant on October 30, 2003 were Licensee's four children, ages 16, 12, 10 and two. These children were in Licensee's care and custody and resided in the home with her and her husband.

The Board has the statutory authority to revoke the nursing licensure of any person convicted of a crime bearing demonstrable relationship to the practice of nursing. See ORS 678.111(a):

678.111 Causes for denial, revocation or suspension of license or probation, reprimand or censure of licensee. In the manner prescribed in ORS chapter 183 for a contested case:

(1) Issuance of the license to practice nursing, whether by examination or by indorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:

(a) Conviction of the licensee of crime where such crime bears demonstrable relationship to the practice of nursing. A copy of the record of such conviction, certified to by the clerk of the court entering the conviction, shall be conclusive evidence of the conviction.

Nurses provide care to vulnerable persons and have a duty to protect those persons from abuse, neglect and exploitation. Nurses work in a variety of practice settings, such as hospitals, skilled nursing facilities and in-home care situations.

On September 27, 2007, the Board served on Licensee a Notice of Proposed Revocation of Licensure as Registered Nurse (Notice). The Notice alleged that Licensee's convictions for attempted child neglect in the first degree bore demonstrable relationship to the practice of nursing in that she knowingly left her minor children in an environment where her husband criminally manufactured and delivered a controlled substance for consideration or profit.

The Notice further alleged that Licensee exposed her children to large quantities of an illicit and dangerous substance, to wit, cocaine; to unsecured firearms, which neither she nor her husband, due to prior felony convictions, were legally entitled to possess; and that the children were at risk of serious physical injury or death at the hands of intruders who might have come into the residence to take by force the large quantities of cocaine and money kept there.

The Notice further stated that the Board thus had concern that Licensee might not adequately protect vulnerable persons that she might encounter in her nursing practice, persons with whom she had no familial relationships.

The Notice informed Licensee of her right to a hearing on the matter, if requested within 20 days of the date the Board served it on her.

On October 12, 2007, the Board received Licensee's timely request for a hearing on the matter.

The Board subsequently referred the matter to the Office of Administrative Hearings with a request that an Administrative Law Judge (ALJ) be assigned to hear the case.

The ALJ scheduled a pre-hearing conference on the matter for January 11, 2008.

On January 11, 2008, prior to the designated time of the pre-hearing conference, Licensee contacted Board staff and left a message indicating her interest in surrendering her licensure as a registered

nurse in Oregon. She noted that she had allowed her license to expire, was living outside Oregon, and therefore had no need for Oregon licensure.

The Board is therefore willing to enter into a stipulated agreement by which Licensee voluntarily surrenders her licensure as a registered nurse in Oregon, and so resolve this matter, as provided by ORS 183.415(5), informally and without recourse to a contested case hearing.

Licensee understands that this Stipulation for Voluntary Surrender will be submitted to the Board for approval, and that it is subject to its confirmation.

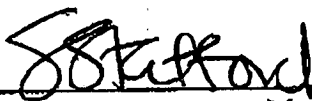
Licensee understands that, by entering into this Stipulation for Voluntary Surrender, she waives the right to an administrative hearing under ORS 183.310 to 183.550.

Licensee understands that this Stipulation for Voluntary Surrender will become a public record at such time as the Board issues a final order adopting it and accepting the voluntary surrender of her licensure as a registered nurse in Oregon.

Licensee may apply for reinstatement of her registered nurse license in Oregon no sooner than three (3) years following the date of any order the Board may issue implementing this Stipulation for Voluntary Surrender. If Licensee does apply for reinstatement, she understands that the Board will review that application in light of her criminal history, as well as all other matters the Board customarily evaluates in considering an applicant's fitness for licensure.

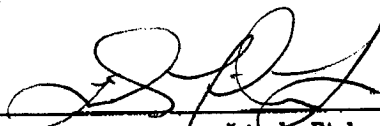
Licensee, by her signature below, attests that she has read and understood this Stipulation for Voluntary Surrender, and declares that no promises, representations, duress, or coercion have been used to induce her to sign it.

Dated this 2/13/08 day of _____ 2008



Shannon Marie Stafford

FOR THE BOARD OF NURSING OF THE STATE OF OREGON



Linda Fisher-Lewis
Program Manager, Professional Services